

Executive Order 2011-01

ESTABLISHING A FREEZE ON PROPOSED REGULATIONS

WHEREAS, the people and businesses of the state of Nevada are entitled to a regulatory environment that protects the public health and welfare without discouraging economic growth;

WHEREAS, stable, consistent and predictable common sense regulation is vital to maintaining a regulatory environment that both secures the people and businesses of the state of Nevada and fosters economic growth;

WHEREAS, in its current state, the regulatory process is sometimes unfocused and inefficient, resulting in unnecessary and obsolete regulations; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, “The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

1. Subject to the exceptions detailed below, all proposed administrative regulations propounded by an Executive Branch agency, department, board or commission within the purview of the Governor (individually “regulatory body”) shall be frozen until January 1, 2012. During the freeze, no new regulations may be proposed or acted on unless excepted from the application of this order.
2. It is further ordered that each regulatory body complete a comprehensive review of the regulations subject to its enforcement, including those regulations the regulatory body wishes to become effective following the freeze. The review shall include an assessment of how each regulation or set of regulations is consistent with my regulatory priorities—that is, to protect the health and welfare of the people of the state of Nevada without discouraging economic growth. Each regulatory body shall further assess the following:
 - a. the problem the regulation was established to address or, if the regulation does not address a specific problem, the value to the public of the regulation;
 - b. the impact of the regulation on the problem or the benefits provided by it;
 - c. the adverse impact, if any, the regulation has had on various groups—including, but not limited to, businesses of various sizes, small communities and government entities;
 - d. the cost of the regulation, including, but not limited to, the cost of enactment and enforcement;

- e. whether the regulation remains necessary;
 - f. whether alternate forms of regulation may adequately address the problem;
 - g. whether the regulation is written clearly and concisely so as to achieve easy understanding and application; and
 - h. whether other regulations address the same problem.
3. Upon completion of its review, each regulatory body shall identify, consistent with my regulatory priorities and the assessments made, regulations that are no longer necessary. On December 31, 2011, each regulatory body subject to this order shall submit a report to my office detailing the findings of its assessment and proposals for regulations that may be repealed or modified.
4. The following regulations are not subject to the freeze:
- a. regulations that affect public health;
 - b. regulations that affect public safety and security;
 - c. regulations that are necessary in the pursuit of federal funds and certifications;
 - d. regulations that affect the application of powers, functions and duties essential to the operation of the state agency, department, board or commission at issue;
 - e. regulations that affect pending judicial deadlines; and
 - f. regulations necessary to comply with Federal law.
5. Within ninety days of the date of this order, each regulatory body subject to this order that intends to continue with the enactment of a proposed regulation under an exception to the freeze shall submit a report to my office detailing the problem the regulation addresses or the value to the public of the regulation, how the regulation addresses the problem or the benefits provided by the regulation, why alternate forms of regulation are insufficient to address the problem, whether other regulations currently address the problem, and how the current regulation falls within one of the exceptions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this third day of January, in the year two thousand eleven.

Governor of the State of Nevada

By the Governor:

Secretary of State

Deputy Secretary of State